



USDA Foreign Agricultural Service

GAIN Report

Global Agriculture Information Network

Template Version 2.09

Required Report - public distribution

Date: 7/20/2006

GAIN Report Number: AU6019

Austria

Food and Agricultural Import Regulations and Standards

Country Report

2006

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Report Highlights:

On January 20, 2006 the Austrian Government issued the new Federal Law on Safety Requirements and Other Requirements for Food, Objects of Utility and Cosmetics in Order to Protect Consumers. The new law governs food safety regulations throughout the entire food chain starting at the primary production site and ending with the consumer. Requirements are laid down for food products, water for human consumption, objects of utility, and cosmetics. The regulation applies to all production-, processing- and distribution-stages. The new regulation overrules most paragraphs of the old Austrian 1975 Food Law and the 1982 Veterinary Inspection Law. Last updated July 2006: Sections I, II, IV, V, VI and Appendix I.

Includes PSD Changes: No
Includes Trade Matrix: No
Annual Report
Vienna [AU1]
[AU]

AUSTRIA: FOOD AND AGRICULTURAL IMPORT REGULATIONS AND STANDARDS (FAIRS)

Last updated July 2006: Sections I, II, IV, V, VI and Appendix I.

FINAL IMPORT APPROVAL OF ANY PRODUCT IS SUBJECT TO THE IMPORTING COUNTRY'S RULES AND REGULATIONS AS INTERPRETED BY BORDER OFFICIALS AT THE TIME OF PRODUCT ENTRY.

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I FOOD LAWS

Austrian food legislation consists of the 2006 Food Safety and Consumer Protection Law, ordinances to this law, and the Austrian food codex (Codex Alimentarius Austriacus). It is largely adjusted to conform with EU regulations.

Austrian food regulations are valid for products produced in Austria and imported foods. However, Austria is obliged to allow entry of products permitted in other countries of the European Economic Area (EEA) ("Cassis de Dijon"). Imports from third countries must comply with national legislation if no EU law exists.

a) Food Law

On January 20, 2006 the Austrian Government issued the new Federal Law on Safety Requirements and Other Requirements for Food, Objects of Utility and Cosmetics in Order to Protect Consumers (Food Safety and Consumer Protection Law Fed Gaz I 13/2006). The new law governs food safety regulations throughout the entire food chain starting at the primary production site and ending at the consumer. Requirements are laid down for food products, water for human consumption, objects of utility, and cosmetics. The regulation applies to all production-, processing- and distribution-stages. The new law is based on several EU regulations (EC 852/2004, EC 853/2004, EC 854/2004, EC 882/2004, EC 178/2002).

The new regulation overrules most paragraphs of the old Austrian 1975 Food Law (Federal Gazette (Fed Gaz) 86 of 1975) and the 1982 Veterinary Inspection Law (Fed Gaz 522/1982). The aim of the new law is to harmonize Austrian law with new, on-going EU food regulations. In the past, food, meat, and hygiene regulations were covered by separate regulations. Unlike the old bills the new Food Safety and Consumer Protection Law covers all kind of food products during all stages (including veterinary inspection, hygiene regulations, as well as monitoring).

In general the Austrian food law is primarily intended to protect the health of consumers and to provide for good nutrition of the population. In addition, economic interests are considered whenever possible. However, in case of conflicting interests, consumer protection has priority.

According to the food law, food products, which are determined to be hazardous to human health, falsified, or declared wrongly, may not be distributed. Health-related information on the label and the use of unapproved food additives are not permitted.

In addition, the food law deals with animals intended for human consumption (it is forbidden to administer hormones, hormone inhibitors, or antibiotics to improve the shelf life of meat; and antibiotics and hormones to prevent diseases, and improve growth of animals) and includes special requirements on plants intended for the production of foods (pesticide residues, etc.).

The chapter on dietetics states such products must not be placed on the market without registration of the Health Ministry.

Although food safety and quality are the prime concern of the Austrian food legislation, its jurisdictional scope extends to a variety of non-food items. They include cosmetics, kitchen utensils and appliances, wrapping and packaging materials for foods, additives and cosmetics, as well as cleaning and cleansing agents, disinfectants, air purifiers, preservatives

and pesticides to the extent these items may be brought in contact with foods, food additives or cosmetics.

Basically, imported food products have the same status as domestically produced products with respect to the provisions of the 2006 Food Safety and Consumer Protection Law. However, subject to certain conditions, health authorities may decree by ordinance that the importation of specific items coming under the jurisdiction of this law is permissible only if these items are attested to be "unobjectionable" by one of the federal institutes for food examination. Based on (satisfactory) sample inspection findings, the institute will certify the commodity or commodities involved to be in conformity with the provisions to be spelled out in that ordinance. Product clearance may also be made contingent on the results of an inspection by an Austrian expert of the foreign manufacturing (or shipping) enterprise supplying the products in question.

A number of EC (European Community) and EEC (European Economic Community) regulations do not require a transposition into national law. Those regulations are directly incorporated in Austrian law as such. A list of those regulations can be found in the annex to the 2006 Food Safety and Consumer Protection Law.

In the ordinances to the 2006 Food Safety and Consumer Protection Law specifics, definitions, labeling requirements, technical terms, hygiene requirements, thresholds, treatment requirements, and other details can be found.

EU level Regulation (EC) No 178/2002 of the European Parliament and of the Council of 28 January 2002 lays down the general principles and requirements of food law, establishing the European Food Safety Authority and laying down procedures in matters of food safety.

b) Relevant Austrian ordinances and EC/EEC regulations are listed below.

Austrian regulations on various food and beverage products (updated list according to the 2006 Food Safety and Consumer Protection Law):

- Ordinance on margarine products and mixed fat products (Fed Gaz 378/1993)
- Ordinance on deep frozen foods (Fed Gaz 201/1994)
- Ordinance on various sugars – sugar ordinance (Fed Gaz II 472/2003)
- Ordinance on cocoa and chocolate products – chocolate ordinance (Fed Gaz II 628/2003)
- Ordinance on honey – honey ordinance (Fed Gaz II 40/2004)
- Ordinance on jams, jelly, marmalade, and chestnut cream – jam ordinance (Fed Gaz 897/1995)
- Ordinance on fruit juices and some other similar products – fruit juice ordinance (Fed Gaz II 83/2004)
- Ordinance on some particular kinds of concentrated milk and dry milk (Fed Gaz II 45/2004)
- Ordinance on coffee- and chicory extracts (Fed Gaz II 391/2000)
- Ordinance on raw milk and raw cream (Fed Gaz 106/2006)

EC regulations on various food and beverage products, which are directly incorporated into national law (Annex to 2006 Food Safety and Consumer Protection Law):

- Council Regulation (EC) No 1898/87 of 2 July 1987 on the protection of designations used in marketing of milk and milk products
- Council Regulation (EC) No 2991/94 of 5 December 1994 laying down standards for spreadable fats
- Regulation (EC) No 258/97 of the European Parliament and of the Council of 27 January 1997 concerning novel foods and novel food ingredients
- Council Regulation No 1576/89/EEC of 29 May 1989 laying down general rules on the definition, description and presentation of spirit drinks [Official Journal L 160 of 12.06.1989]
- Council Regulation (EEC) No 2377/90 of 26 June 1990 laying down a Community procedure for the establishment of maximum residue limits of veterinary medicinal products in foodstuffs of animal origin
- Council Regulation (EEC) No 2081/92 of 14 July 1992 on the protection of geographical indications and designations of origin for agricultural products and foodstuffs
- Council Regulation (EEC) No 2082/92 of 14 July 1992 on certificates of specific character for agricultural products and foodstuffs
- Council Regulation (EEC) No 315/93 of 8 February 1993 laying down Community procedures for contaminants in food
- Council Regulation (EC) No 2597/97 of 18 December 1997 laying down additional rules on the common organization of the market in milk and milk products for drinking milk
- Council Regulation (EC) No 1139/98 of 26 May 1998 concerning the compulsory indication of the labeling of certain foodstuffs produced from genetically modified organisms of particulars other than those provided for in Directive 79/112/EEC
- Commission Regulation (EC) No 50/2000 of 10 January 2000 on the labeling of foodstuffs and food ingredients containing additives and flavorings that have been genetically modified or have been produced from genetically modified organisms
- Regulation (EC) No 1760/2000 of the European Parliament and of the Council of 17 July 2000 establishing a system for the identification and registration of bovine animals and regarding the labeling of beef and beef products and repealing Council Regulation (EC) No 820/97
- Council Regulation (EEC) No 2092/91 of 24 June 1991 on organic production of agricultural products and indications referring thereto on agricultural products and foodstuffs

Regulations on drinking water:

- Ordinance on the quality requirements of surface water for the winning of drinking water – surface-drinking water ordinance (Fed Gaz 359/1995)
- Ordinance on natural mineral waters and spring waters – mineral water and spring water ordinance (Fed Gaz II 309/1999, II 500/2004)
- Ordinance on the quality of water for human consumption – drinking water ordinance (Fed Gaz II 304/2001, II 254/2006)

Regulations on dietetic foods:

- Ordinance on infant formulae and follow-on formulae (Fed Gaz 531/1995 and 292/1997)
- Ordinance on energy restricted diet food for weight reduction (Fed Gaz II 112/1998)
- Ordinance on grain preparations and transition food for nursing babies and young infants (Fed Gaz II 133/1998 and Fed Gaz II 200/1999)
- Ordinance on dietetic food for particular medical purposes (Fed Gaz II 416/2000)
- Ordinance on dietary supplements – dietary supplements ordinance (Fed Gaz II 88/2004)

Wine legislation

Wine is regulated in a special Austrian Wine Law 1999 – Federal Law on the Commerce of Wine and Fruit Wine (Fed Gaz I 141/1999). Several amendments to this law have been made (Fed Gaz I 39/2000, I 108/2001, I 110/2002, I 3/2004, I 83/2004, I 87/2005)

Austrian wine law is based on European wine legislation. Austria, however, has maintained its individuality. Controlled origin, capped yields, quality designations and official quality controls are the pillars of Austrian wine law. Three general quality designations are recognized: Tafelwein (table wine), Qualitätswein (wine of quality), and Prädikatswein ("certified" wine). The categories are determined by the sugar content of the grape must, expressed according to the Klosterneuburger Mostwaage (KMW) system.

Important elements of the label are origin, varietal, vintage, quality designation, alcohol content, residual sugar, official control number, producer, and bottler.

Controlled origin and capped yields: the highest allowed yield per hectare for Landwein, Qualitätswein, and Prädikatswein is 9,000 kg of grapes, or 6,750 kg of wine. If more is produced the entire yield must be classed as the lowest quality designation, Tafelwein. Tafelwein can be sold without exact reference to origin, varietal, and vintage.

Austrian Qualitätswein and Austrian Prädikatswein are controlled twice by state laboratories: a chemical analysis is followed by a tasting commission. The official control number and the red-white-red band document this extensive process of control and quality assurance.

The Wine Law of 1999 brought a new regulation of the wine areas and wine regions. Adaptations of the regulations on fruit wine were made to reflect modern technologies while at the same time providing protection to fruit wine that are produced in the traditional manner. Moreover, a large number of simplifications, clarifications and adaptations to EU Community law were provided for.

Hygiene regulations

The new 2006 Food Safety and Consumer Protection Law covers generally hygiene regulations for all food products including meat. This law invalidated the specific hygiene ordinances that existed in the past.

Two new ordinances deal with hygiene issues.

- Ordinance on the adjustment of particular food hygiene regulations (Food hygiene adjustment ordinance Fed Gaz II 91/2006).
- Ordinance on hygiene requirements for the food retail (Food retail ordinance Fed Gaz II 92/2006)

Austrian Food Codex

The Food Codex includes guidelines on definitions, composition, tests, evaluations, and directives on the distribution of products governed by the food law. It is mainly a basis for determining incorrect labeling. These guidelines are elaborated by the Codex Commission, which is installed by the Austrian Food Law.

II LABELING REQUIREMENTS

- The ordinance on labeling of packaged food (Fed Gaz 72/1993) and amendments (Fed Gaz 557/1993, 555/1995, II 462/1999, II 371/2002, II 222/2003, II 111/2005, II 408/2005) regulates labeling requirements for packaged food products. The ordinance also incorporates Directive 2000/13/EC.
- Directive 2000/13/EC provides general rules for labeling prepackaged food products for sale to consumers, as well as certain aspects relating to promotion and advertising. The directive also applies to food products intended for restaurants, hospitals, canteens, and other similar mass caterers. Special label rules contained in the directive on specific foodstuffs (vertical directives) supplement these general rules or deviate from them.

a) General Requirements

1. The following information must be on the label:

- Name under which the product is sold.
- Ingredients (including food additives), in descending order according to weight (as recorded at the time of manufacture.)
- Net weight or quantity in metric units.
For liquids: liter, centiliter, or milliliter.
For solids: kilogram or gram.
- Date of minimum durability. For highly perishable goods (due to microbiological activity), "use by" and date. Date must be given as day/month/year or:
"best before" and date in terms of day and month for foods expected to keep for three months or less, or:
"best before end" and date in terms of month and year only for foods expected to keep for more than three months but not longer than 18 months, or "best before end" and date in terms of either month and year or year only for foods expected to keep for more than 18 months.
- Lot marking, as determined in each case by the producer, manufacturer, or packer, or by the first seller established within the community. Unless clearly noticeable from other indications on the label, this marking must be preceded by the letter "L".
- For foodstuffs whose durability has been extended by means of packaging gases authorized under EC Directive 89/107, the particulars "packaged in protective atmosphere" must be included on the product label.
- Any special storage conditions or conditions for use.
- The name or business name and address of the manufacturer or packer, or of the seller established within the community.

- Place of origin (and particulars, if needed, to clarify to the consumer the true origin of the foodstuffs.)
- Instructions for use. Applicable when it would be impossible to use the product appropriately in the absence of such instructions.
- Strength of alcohol by volume, with respect to beverages containing more than 1.2% alcohol by volume.

2. Labeling has to be in German.

3. Food products can enter the country with standard U.S. labels or unlabeled.

4. Stick on-labels meeting local requirements are permitted.

5. Imports can enter the country with foreign labels or without labels. However, before distribution products must be labeled according to the labeling regulation.

6. A food sample does not have to be labeled. However, if samples are distributed, they must be labeled.

7. We are not aware of products sold with U.S. standard labeling.

8. There are no special shelf-life or country-of-origin requirements.

9. Austrian authorities do not grant exceptions to their labeling regulations.

On July 1, 1998, Austria implemented a regulation concerning the labeling of beef. The regulation is based on EU regulation 820/97 where labeling details are laid down.

b) Requirements Specific to Nutritional Labeling

- Ordinance concerning labeling of nutrition value of foods (Fed Gaz 896/1995, II 435/2004) includes labeling of nutrition value such as content of protein, carbohydrates, fat, fibers, minerals and vitamins. This regulation is compulsory if a nutritional claim appears on the label, in presentation, or in advertising, with the exclusion of generic advertising. The only nutrition claims permitted shall be those relating to energy values and to the following nutrients: protein, carbohydrate, fat, fiber, sodium, and prescribed vitamins, and to substances that belong to or which are of the above ingredients.

1. Claims such as "light" are permitted on drinks under certain conditions (significant energy reduction).

2. Implied claims such as "you would not believe that something so light could taste so good" are not forbidden by law but are not desired.

3. Health claims and any health-related information on a food product requires registration of the product at the Ministry of Social Security and Generations.

c) Labeling for Organic Products

Labeling must be in German. The following statements are permitted:

"From Organic Agriculture" ("Aus biologischer Landwirtschaft")

"From Organic - Biological Agriculture" ("Aus organisch - biologischer Landwirtschaft")

"From Biological - Dynamic Agriculture" ("Aus biologisch - dynamischer Landwirtschaft")
"From Ecological Agriculture" ("Aus oekologischer Landwirtschaft")

d) Labeling for Food Additives

- Ordinance on the labeling of food additives and other products for consumption – additive labeling ordinance (Fed Gaz 476/1994)

e) Labeling for Food containing or deriving from Genetically Modified Organisms (GMO's)

The EU traceability and labeling regulations require the traceability of GMOs throughout the food chain from farm to table and provide consumers and farmers with information by labeling all food and feed consisting of, containing, or produced from a GMO regardless on the presence or absence of "detectable DNA and/or protein. This impacts ingredients like refined sugars and oils from GM grains and plants that must now be labeled. Labeling is based on genetic origin.

Also labeling of animal feed to indicate GM components is mandatory.

The threshold for labeling is "if > 0.9% GM material." Therefore, labeling is now required for non-GM foods if the level of "adventitious presence" of GM material exceeds 0.9%.

A threshold is also set for GM events "not-yet approved by the EC," but which has passed an EC safety evaluation. If a food (or food ingredient) contains >0.5% not approved adventitious material, the food (or ingredient) must not be placed on the market.

The new regulations do not apply to medicinal products for human and veterinary use.

Labeling language shall be "genetically modified" or "produced from genetically modified soy" immediately following the ingredient concerned. The indications may appear in a footnote but shall be printed in at least the same size font as in the list of ingredients. Where there is no list of ingredients, the words shall appear clearly on the label.

If a food is different from a conventional counterpart with regards to composition, nutrition value, intended use, has implications for the health of certain populations or gives rise to ethical or religious concerns, appropriate information shall also appear on the label.

- Ordinance on the Austrian implementation of Regulation (EC) No 1830/2003 (Fed Gaz II 373/2004)
- Council Regulation (EC) No 1139/98 of 26 May 1998 concerning the compulsory indication of the labeling of certain foodstuffs produced from genetically modified organisms of particulars other than those provided for in Directive 79/112/EEC
- Commission Regulation (EC) No 50/2000 of 10 January 2000 on the labeling of foodstuffs and food ingredients containing additives and flavorings that have been genetically modified or have been produced from genetically modified organisms
- Regulation (EC) No 1760/2000 of the European Parliament and of the Council of 17 July 2000 establishing a system for the identification and registration of bovine animals and regarding the labeling of beef and beef products and repealing Council Regulation (EC) No 820/97
- Regulation (EC) No 1829/2003 of the European Parliament and of the Council of 22 September 2003 on genetically modified food and feed (Text with EEA relevance)

- Regulation (EC) No 1830/2003 of the European Parliament and of the Council of 22 September 2003 concerning the traceability and labeling of genetically modified organisms and the traceability of food and feed products produced from genetically modified organisms and amending Directive 2001/18/EC

III PACKAGING AND CONTAINER REQUIREMENTS

1. There are no special packaging requirements or container size requirements. Due to the rising number of single households there is higher demand for smaller containers.

2. Companies or persons putting packaging material on the market are obliged to collect the used packaging. If this is not possible because they cannot afford to operate a collection system locally (which is usually the case), they can join a collection system. The only collecting organization for household packaging material is ARA (Altstoff Recyclisierung Austria i.e. Old Material Recycling Austria) that handles the disposal of packaging material. Companies making use of ARA's service pay a "license fee". Usually, packaging material eligible for ARA disposal has a sign (dot with two arrows). However, the sign on the packaging material is not a pre-condition for collection by ARA. Thus, also products imported in original foreign packages can be collected if the importer pays the fees for the disposal service. Companies not participating in ARA's service are periodically checked by the Ministry for Social Security and Generations on how they handle their packaging material recycling or disposal.

- The end packaging regulation of the Federal Ministry of Economic Affairs (Fed Gaz 867/1993 amended by 32/1995) regulates the volumes indicated on the label, acceptable tolerances and test procedures for bottles and other packaging.
- Directive 90/128/EC (Kunststoffverordnung, Fed Gaz 775/1994) requires that the content of monomeric vinyl-chloride in plastic wrappings must not exceed 1ppm. PVC wrappings are forbidden for fats and fat-containing products such as milk products.
- Ordinance on objects of utility made of plastics, which are intended for usage with food and food additives – plastics ordinance (Fed Gaz II 476/2003)
- Packaging regulation (Fed Gaz 645/1992 amended by 334/1995 and Fed Gaz 646/9192 amended by 335/1995) regulates collection and recycling/disposal of packaging material.

IV FOOD ADDITIVE REGULATIONS

The use of food additives is regulated by EU directives and an Austrian regulation.

The use of all additives has to comply with the following regulations:

- Directive 94/34/EC, amending framework to Directive 89/107/EC, establishes rules by which an EU member state may forbid the use of certain additives in foodstuffs considered traditional products and produced on its territory. Any such prohibition must have existed as of January 1, 1992 and must not affect free circulation of goods. Non-traditional foodstuffs that contain additives in accordance with the proposed directives on additives would still be required to have free circulation within the member states.
- Directive 94/35/EC on sweeteners (Ordinance on the admixture of sweetenings to food and products for consumption – sweetening ordinance (Fed Gaz 547/1996, II 257/1998, II 21/1999, II 42/2002, II212/2005) sets conditions for the use of permitted sweeteners e.g. sorbitol, saccharine, etc.

- Directive 94/36/EC on colors (Ordinance on the admixture of colorings to food and products of consumption – coloring ordinance (Fed Gaz 541/1996, II 222/2000, II 465/2002, II 211/2005) establishes a list of permitted colors and conditions of use (including maximum levels of use in particular foodstuffs), a list of foodstuffs in which colors may not be used, and a list of colors permitted for certain uses only.
- Directive 95/2/EC (Ordinance on the admixture of emulsifiers, stabilizers, thickening, and gelling agents to food and products of consumption – emulsifier ordinance (Fed Gaz 725/1994)) on food additives other than colors and sweeteners (special miscellaneous directive) establishes a listing of generally permitted additives, conditionally permitted preservatives and antioxidants, anti-caking agents, emulsifiers, stabilizers, etc. At present, this directive is implemented by decree.
- Austria also implemented a flavor regulation (Fed Gaz 42/1998), which is based on CELEX-Nr.: 388L0388, 391L0071. This regulation defines and lists various flavors with maximum permitted contents in various food products.
- Ordinance on other food additives than colorings and sweeteners (Fed Gaz II 383/1998, II 132/2000, II 315/2000, II 193/2001, II 14/2003, II 265/2004, 364/2005)
- Ordinance on the analytical methods for the control of purity criteria on particular additives – additives analysis ordinance (Fed Gaz 466/1994)
- Ordinance on edible caseine and edible caseinate (Fed Gaz 548/1996)
- Ordinance on substances which may be added to dietetic food products and general labeling requirements for dietetic food (Fed Gaz 162/2006)

V PESTICIDE AND OTHER CONTAMINANTS

a) Pesticides

- Ordinance on the maximum residues of pesticides in foods that derive from plants or animals (Fed Gaz II 441/2002, II 552/2003, II 434/2004, II 166/2005, II 130/2006) regulates the maximum content of certain plant residues in foodstuffs. This ordinance (Ordinance on maximum pesticide figures) is published in the Federal Gazettes (Bundesgesetzblaetter). In the ordinance the chemical substances are alphabetically listed with the corresponding maximum content in certain foods. These regulations are enforced by the market office of the municipality of Vienna and by the offices of the provincial governments (see appendix II). The pesticide residue lists are positive. If a substance is not listed or if a food product is not listed then there is a zero tolerance.

b) Heavy Metals and Mycotoxines

- Council Regulation (EEC) No 315/93 of 8 February 1993 laying down Community procedures for contaminants in food.
- Mycotoxin ordinance (Fed Gaz 251/1986) includes maximum contents of certain mycotoxines in various food products.

c) Medical Residues

- Residues of medicine in foods are regulated by the Austrian ordinance (Fed Gaz 542/1988) and by the EU regulation EC 2377/90. In case the Austrian regulation conflicts with the EU regulation, the EU regulation takes precedence.

- Council Regulation (EEC) No 2377/90 of 26 June 1990 laying down a Community procedure for the establishment of maximum residue limits of veterinary medicinal products in foodstuffs of animal origin.

d) Extraction Solvents

- Ordinance on the use of extraction solvents in food processing – Extraction Solvent Ordinance (Fed Gaz 642/1995, II 465/1998).

e) Ionizing Irradiation

- Ordinance on the treatment of food products with ionizing irradiation (Fed Gaz II 327/2000)

f) Other undesirable substances of content

- Ordinance on the assessment of the maximum content on Eruca acid – Eruca acid ordinance (Fed Gaz 468/1994)

According to the pesticide law of 1997 (Fed Gaz 60/1997), all pesticides have to be registered. The registration office is as follows. Information on approved pesticides can be obtained at the following registration office:

Federal Office for Food Safety
Spargelfeldstr. 191
A-1220 Wien, Austria
Phone: + 43 (5) 0555 - 33400
Fax: + 43 (5) 0555 – 33404

A list of approved pesticides can be found at following webpage:
[http://www15.ages.at:7778/pls/psmlfrz/pmgweb2\\$.Startup?z_user=www](http://www15.ages.at:7778/pls/psmlfrz/pmgweb2$.Startup?z_user=www)

VI OTHER REGULATIONS AND REQUIREMENTS

Routinely, foods are not inspected at the point of entry. However, food inspectors of the municipality of Vienna and the offices of the provincial governments (see appendix II) may draw samples at the point of entry and at the wholesale and retail level at any time. Samples are then brought to official testing institutes (see Appendix I, item d).

1. Registration is only required for dietetic foods, i.e. foods of special composition intended for a special group of consumers. This includes among other things diabetic foods and special baby food. Energy drinks and sport food must only be registered if they have health-related information on the label. Registration of such products is carried out at the Federal Chancery. The importer can apply with a form from the Federal Chancery or by letter. In addition, the importer has to provide a sample and documents that allow evaluation of the product.

2. Testing is carried out on dietetic foods, baby foods, and energy drinks with health-related information on the label.

3. In general, samples that are sent by express mail or parcel post to testing institutes are not subject to import regulations. However, samples intended for food fairs have to comply with food regulations. These samples are not subject to import duty if they are packed, labeled as samples, completely consumed at the fair and the quantity corresponds to the event (not a large volume for a small fair). Fair samples of tobacco/products and alcoholic drinks are subject to the normal import duty.

4. At the retail and wholesale level food storage and foods are inspected on a random sample basis or if an event requires it (e.g. the dioxin affair).

5. Certification and Documentation: The importation of livestock, meat, and dairy products require veterinary certification according to EU regulation. These certificates have to be attested by APHIS and FSIS respectively. Live animal imports require an import license of the Austrian veterinary service at the Ministry for Health and Women.

Imports of seafood products also require a certification according to EU regulation. The certificate form for live fish and fish products, and for live crustacea, crustacean products, and shellfish products is the same. Only live shellfish have a separate certificate form.

Fruit and vegetables require a phytosanitary certificate issued by APHIS.

a) Enforcement and control regulations for food products

- Ordinance on the training of the supervisory body (Fed Gaz 397/1983)
- Ordinance on monitoring and control of deep frozen food products (Fed Gaz 581/1996)
- Ordinance on the training of food experts (Fed Gaz 161/1997)
- Ordinance on sampling procedures and analytical methods for the official monitoring of particular products in order to prove the maximum content of contaminants (Fed Gaz II 422/2003, II 433/2004, II 57/2006)
- Ordinance on control measures regarding particular substances and their residues in food products deriving from animals (Fed Gaz II 191/2003)
- Ordinance on control measures regarding particular substances and their residues in live animals and food products deriving from animals (Fed Gaz II 110/2006)
- Ordinance on the regional scope of the Austrian Agency for Health and Food Safety (Fed Gaz II 209/2006)

b) Grading Regulation

- Quality Grading: According to the amendment on quality grading (Fed Gaz 523/1995), EU regulations concerning quality standards, trade classes, sales, and marketing standards are valid for Austria. In invoices and other transport accompanying papers, the quality grade (Extra, I, or II) must be indicated.

c) Other specific regulations

- Council Regulation (EEC) No 2081/92 of 14 July 1992 on the protection of geographical indications and designations of origin for agricultural products and foodstuffs
- Council Regulation (EEC) No 2082/92 of 14 July 1992 on certificates of specific character for agricultural products and foodstuffs
- Council Regulation (EC) No 2597/97 of 18 December 1997 laying down additional rules on the common organization of the market in milk and milk products for drinking milk
- Ordinance on deep frozen food (Fed Gaz 201/1994)
- Ordinance on the application of extracting agents for processing of food and products for consumption – extracting agent ordinance (Fed Gaz 642/1995, II 465/1988)
- Marketing standards for poultry meat (EEC 1906/90 and EU1538/91) include tests for packed poultry.
- Regulation (EEC 2082/92) on the certification on particular characteristics of agricultural and food products.
- Council Regulation (EEC) No 1898/87 on the protection of designation used in the marketing of milk and milk products
- Ordinance on the determination of the alcohol content (Fed Gaz II 161/1997)
- Ordinance on the registration and approval of food establishments (Fed Gaz II 93/2006)
- Ordinance on the amendments of the annex to the 2006 Food Safety and Consumer Protection Law (Fed Gaz II 95/2006)
- Ordinance on the direct marketing of food products (Fed Gaz II 108/ 2006)

VII OTHER SPECIFIC STANDARDS

1. Consumer packaging or municipal waste disposal, see section III, item 2.
2. Only metric weights and measures are accepted.
3. Fortification of foods with vitamins and minerals is permitted. In this case labeling has to be carried out according to the nutrition ordinance (Fed Gaz 896/1995). In addition to the vitamin and/or mineral content in absolute figures, the content in percentage of the recommended daily dosage (indicated in the ordinance) has to be indicated on the label.
5. Dietetic or special use foods have to be registered at the Ministry for Health and Women before distribution. All ingredients, including minerals and vitamins have to be labeled.
6. Food sanitation: Austrians prefer foods preserved by heat and not by chemical means. However, certain chemical preservatives are permitted in certain processed foods. Chemical preservatives are listed in the directive 95/2/EC (special miscellaneous directive).
7. Marine Products: According to an ordinance of the Agricultural Ministry from January 5, 1995, the most recent version of EU regulations (EC 103/76 and EC 104/76) must be applied for freshness and size classes of seafood.
8. Animal quarantine: For live animal imports, the official veterinarian seeks a barn/stable/voliere, which allows the separation of imported animals from other animals. Such an establishment can be the barn/stable/voliere of the importer or any private plant if it has the necessary conditions and is accepted by the official veterinarian. There are no real

governmental quarantine establishments. The imported animal is observed during a period of at least 3 weeks. If suspicions arise (blood tests), the observation time can be extended.

9. Wine is regulated by the wine legislation (see Food Laws, item d) and the Austrian Food Codex and beer and other alcoholic drinks by the Austrian Food Codex only.

10. Organic products: If a U.S. producer or trader wants to export to Austria, he has to find an importer. The interested importer must apply for an import license at the office of the provincial governor or if he is in Vienna at the legal section of the municipality. In the application, the Austrian trader has to indicate what kind of organic product he wants to import, the quantity (part deliveries are possible), date or period of arrival(s), origin, etc. In addition, the application has to be accompanied by the following documents:

Certificate of the U.S. monitoring organization that controls the organic producer and/or processor and certifies that the product in question is produced according to EU regulation 2092/91.

If the monitoring organization is not accredited according to EU norm EN 4511 or according to ISO/EC Guide 65:1996, an official document concerning the monitoring organization is required. An official U.S. agency has to certify that the monitoring organization is operating according to EN 4511 or according to ISO/EC Guide 65:1996. Certification can be in English.

If the commodity to be imported requires an import license regardless of the production method (e.g. grain) from "Agricultural Market Austria", the importer must also apply at this agency for an import license.

In addition to organic certificates, shipments of organic products have to be accompanied by the normal phyto sanitary or veterinary certificates. Organic products are subject to the normal customs tariff.

11. Product samples intended for importers are subject to import duty. Theoretically mail order shipments can be made if they comply with Austrian food regulation and other import requirements. If offers in catalogues do not comply with food regulations, they are in violation of the food law.

VIII COPYRIGHT AND / OR TRADEMARK LAWS

1. Trademarks and brand names are legally protected in Austria.

2. Companies interested in the registration of trademarks or brand names have to apply at the patent office where information folders and application forms are available. The address of the patent office is as follows:

Patentamt
Internationale Markenregistrierung
(international trademark/brand name registration)
Österreichisches Patentamt
Dresdner Straße 87
A-1200 Wien
Phone: + 43 (1) 534 24 - 288
Fax: + 43 (1) 534 24 - 535

IX IMPORT PROCEDURES

1. Customs matters are regulated by EU legislation (EEC 2913/92).

2. Incoming goods go either to the customs storage (small) or to a freight forwarder's facility at transport terminals or airports. Storing and removal from storage is carried out under the supervision of a customs officer who compares the documents with the commodities. Later, the invoice for import duty is issued. Packaged foods are not routinely checked by food inspectors at the port of entry storage. However, the customs officer may take samples to double check for ingredients (sugar, milk powder, alcohol) responsible for correct assessment of customs duty.

Fresh/frozen food goes into deep freeze/cold storage facilities which are checked by the customs office and an official veterinarian who checks documents at the time of placement into storage and removal.

If direct imports of meat are made from third countries into the EU, the border veterinarian checks meat, collects the accompanying veterinary documents and issues new veterinary documents, the so called "Annex B". Meat can move freely within the EU with the new documents. Most U.S. products coming into Austria goes through the Netherlands or Germany where the border clearance is made. Thus, on the way to Austria, no additional controls are carried out.

Alcoholic beverages require an import license from the Finance Ministry.

3. Veterinary and customs import documents must be in German. However, if a customs officer or border veterinarian can read another language, he can accept it. Veterinary certificates are usually bi-lingual. There is no appeal of decisions by the customs office or the veterinary service.

If an importer objects to the quality of the product, the case can be brought to the arbitration center at the following address:

International Arbitration Center
of the Austrian Federal Economic Chamber
Wiedner Hauptstr. 63
A-1045 Wien
Phone: +43 (5) 90900-0
Fax: + 43 (1) 502 06 216

APPENDIX I. GOVERNMENT REGULATORY AGENCY CONTACTS

- a. Bundesministerium fuer Wirtschaft und Arbeit
(Federal Ministry for Economy and Labor)
Abteilung C2
(Division C2)
Stubenring 1
A-1011 Wien
Phone: +43 (1) 71100 - 5766
Fax: + 43 (1) 715 96 51
- b. Bundesministerium fuer Land- und Forstwirtschaft, Umwelt und Wasserwirtschaft
(Federal Ministry for Agriculture and Forestry, Environment and Water Management)
Abteilung III/2
(Division III/2)
Stubenring 1
A-1011 Wien
Phone: + 43 (1) 71100 - 2759
Fax: + 43 (1) 71100 - 2937
- c. Agrarmarkt Austria (AMA)
(Agricultural Market Austria)
Dresdnerstr. 70
A-1200 Wien

At AMA, the following persons are responsible for import and export licenses for the following products:

General:

Phone: +43 (1) 33 151 – 227
Fax: +43 (1) 33 151 – 4469
email: lizenzen@ama.gv.at

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Michael Meixner

Phone: +43 (1) 33 151 – 209
email: michael.meixner@ama.gv.at

- d. Official label clearance and product testing is carried out at the following institutions:

Federal Office for Food Safety
Spargelfeldstr. 191
A-1220 Wien, Austria
Phone: + 43 (5) 0555 - 3500
Fax: + 43 (5) 0555-25802

Bundesanstalt fuer Lebensmitteluntersuchung und -Forschung
Kinderspitalg. 15
A-1090 Wien, Austria
Phone: + 43 (1) 404 91 - 0
Fax: + 43 (1) 404 91 - 540

Bundesanstalt fuer Lebensmitteluntersuchung
Burgerstr. 47
A-4020 Linz, Austria
Phone: + 43 (732) 77 90 71
Fax: + 43 (732) 77 90 71 - 15

Bundesanstalt fuer Lebensmitteluntersuchung
Innsbrucker Bundesstrasse 47
A-5020 Salzburg, Austria
Phone: + 43 (662) 83 33 57 - 0
Fax: + 43 (662) 83 33 57 - 100

Bundesanstalt fuer Lebensmitteluntersuchung
Beethovenstr. 8
A-8010 Graz, Austria
Phone: + 43 (316) 32 75 88 - 0
Fax: + 43 (316) 32 75 88 396

Bundesanstalt fuer Lebensmitteluntersuchung
Technikerstr. 70
A-6020 Innsbruck, Austria
Phone: + 43 (512) 22 440 - 0
Fax: + 43 (512) 22 440 - 15

APPENDIX II. OTHER IMPORT SPECIALIST CONTACTS

Each province has its own control organizations who may inspect food products. The addresses of the head offices of Austria's Federal Provinces regarding food inspection are as follows:

Amt der Kaerntner Landesregierung
Lebensmittelinspektion
Arnulfpl. 2
9021 Klagenfurt, Austria
Phone: + 43 (463) 536 - 0
Fax: + 43 (463) 536 - 31 220

Amt der Burgenlaendischen Landesregierung
Gesundheitswesen - Lebensmittelaufsicht
Landhaus
Europaplatz 1
7000 Eisenstadt, Austria
Phone: + 43 (2682) 600 - 682
Fax: + 43 (2682) 600 - 2055

Amt der O.O. Landesregierung
Lebensmittelaufsicht
Harrachstr. 20
4010 Linz, Austria
Phone: + 43 (732) 7720 - 4271
Fax: + 43 (732) 7720 - 4259

Amt der N.O. Landesregierung
Nahrungsmittelkontrolle
Landhausplatz 1
A- 3109 St. Poelten, Austria
Phone: + 43 (2742) 200 - 0
Fax: + 43 (2742) 200 - 2060

Amt der Stmk Landesregierung
Gesundheitswesen
Trautmannsdorffgasse 2
8010 Graz, Austria
Phone: + 43 (316) 877 - 0
Fax: + 43 (316) 3373

Amt der Tiroler Landesregierung
Abteilung Vc, Nahrungsmittelkontrolle
Neues Landhaus
Eduard Wallnhoeferplatz 1
6010 Innsbruck, Austria
Phone: + 43 (512) 508 - 2669
Fax: + 43 (512) 508 - 2665

Amt der Landesregierung Salzburg
Referat 9/03
Nontaler Hauptstrasse 55
5010 Salzburg, Austria

Phone: + 43 (662) 80 42 - 2200
Fax: + 43 (662) 80 42 - 32 66
Amt der Vorarlberger Landesregierung
Nahrungsmittelkontrolle
Landhaus
6900 Bregenz, Austria
Phone: + 43 (5574) 511 - 0
Fax: + 43 (5574) 511 - 80

Amt der Landesregierung Wien
MA 59
Am Modenpark 1-2
1030 Wien, Austria
Phone: + 43(1) 711 16 - 0
Fax: + 43(1) 711 16 - 99 87 918

Other Food Testing Institute:

Lebensmittelversuchsanstalt
Blasstr. 29
A-1190 Wien, Austria
Phone: + 43 (1) 36 88 555
Fax: + 43 (1) 36 88 555 - 29
Food Testing Institute of the Municipality of Vienna:

Lebensmitteluntersuchungsanstalt der Stadt Wien
Hennebergg. 3
A-1030 Wien, Austria
Phone: + 43 (1) 79514 - 0
Fax: + 43 (1) 79514 - 9

EC directives can be obtained at the following webpage:
<http://europa.eu.int/eur-lex/en/>

Austrian regulations can be obtained at the following webpage
<http://www.ris.bka.gv.at>